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November 6, 2019

Matthew Reece  
Minerals Program Manager, Tongass National Forest  
Via email matthew.a.reece@usda.gov

**RE: City and Borough of Juneau Scoping Comments on proposed amendments to the Kensington Mine Plan of Operations**

Dear Mr. Reece,

As a Cooperating Agency, the City and Borough of Juneau offers the following scoping comments regarding proposed amendments to the Kensington Mine Plan of Operations.

The development lies within City and Borough of Juneau boundaries and is subject to review under the CBJ Land Use Code mining ordinance, 49.65.110. Specifically, the following section applies:

**49.65.170 Technical revisions, summary approval, and amendments.**

**49.65.170(b)** IF the operator or the director determines that the change to the mining operations are more than a technical, **or if the changes will require prepare of a new or supplemental environmental impact statement**, the permit shall be amended unless summary approval of the change is granted pursuant to (b)(2) of this section.

**49.65.170(b)(2). Summary Approval.** *Upon request of the operator, the Director may summarily approve a proposed change in mining operations not constituting a new land use or separate development upon a written determination that:*

- (i) the mine is located entirely outside the roaded service area established in CBJ 01.30.320;*
- (ii) the application is complete, providing all of the information necessary for the Director to make the summary approval determinations set forth in [these] subsections (i)-(iv);*
- (iii) the proposed change in mining operations will have no significant impact within the roaded service area on habitat, sound, screening, drainage, traffic, lighting, safety, dust, surface subsidence, avalanches, landslides or erosion, and;*

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- (iv) *the proposed change in mining operations has undergone or is undergoing environmental review and approval by one or more federal agencies, state agencies, or both.*

**49.65.155(b)(2)(C) Planning Commission review.**

- (i) *The director shall promptly forward the proposed summary approval to the Planning Commission after the determination is completed. The Planning Commission may ratify or reject the proposal summary approval.*
- (ii) *If the Commission rejects the proposed summary approval, it may:*
  - a) *return the matter to the director for further consideration of whether the director, in consultation with the applicant, can address issues identified by the commission through imposition of conditions or changes in the proposed mining operation; or*
  - b) *direct that the proposed change be processed by the department as an application for an allowable use permit for which the commission may impose conditions under CBJ 49.15.320(f)(1)-(8) and such additional conditions areas are necessary to reduce to non-significant any impacts in the roaded service area on habitat, sound, screening, drainage, traffic, lighting, safety, dust, surface subsidence, avalanches, landslides, or erosion.*

Because the development is located outside of the Roaded Service Area and is under review by various agencies through the NEPA process and development of an Environmental Impact Statement, the Summary Approval process applies to the proposed amendments to the plan of operations.

The full CBJ Mining Code is available for reference at the following link:  
[https://library.municode.com/ak/juneau/codes/code\\_of\\_ordinances](https://library.municode.com/ak/juneau/codes/code_of_ordinances)

Thank you for consideration of CBJ's permitting requirements. Please contact me at (907) 586-0755 or [teri.camery@juneau.org](mailto:teri.camery@juneau.org) if you have further questions.

Kind regards,



Teri Camery, Senior Planner

cc: Jill Maclean, Community Development Department Director  
Alexandra Pierce, Planning Manager